

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**VIRNETX INC. AND SCIENCE APPLICATIONS
INTERNATIONAL CORPORATION, NKA Leidos,
Inc.,**
Plaintiffs-Appellees,

v.

APPLE INC.,
Defendant-Appellant.

2014-1395

Appeal from the United States District Court for the
Eastern District of Texas in No. 6:13-cv-00211-LED,
Judge Leonard Davis.

ON MOTION

Before O'MALLEY, WALLACH, and HUGHES, *Circuit Judges*.
HUGHES, *Circuit Judge*.

O R D E R

Apple Inc. responds to the court's order staying proceedings pending issuance of the mandate in appeal 2013-1489. Apple Inc. moves unopposed to lift the stay and

vacate the district court's ongoing royalty order consistent with the rulings of the panel in 2013-1489.

In 2013-1489, this court, *inter alia*, vacated the jury's damages award. The ongoing royalty order at issue in the current appeal was based on an implied royalty rate derived from the damages award that was appealed and vacated in 2013-1489.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to lift the stay of proceedings is granted.
- (2) The motion to vacate is granted. The district court's February 25, 2014 order granting an ongoing royalty is vacated.
- (3) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

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ISSUED AS A MANDATE: February 24, 2015